



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 17 2006

Kurt G. Chandler
Regional Environmental Scientist
Bureau of Indian Affairs
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Dear Mr. Chandler:

The Environmental Protection Agency (EPA) has reviewed the U. S. Department of the Interior, Bureau of Indian Affairs (BIA) Draft Environmental Assessment (DEA) to assess the possible environmental consequences of an application by the St. Regis Mohawk Tribe of New York to have the BIA take land into federal trust. The proposed action consists of the transfer of a 29.31 acre parcel into federal trust status for the benefit of tribe. The project site is located on the ground of the existing Monticello Raceway in Monticello, New York. If the parcel is taken into trust, the tribe plans to develop the site as a gaming facility of 583,600 square feet on two floors that will offer 125 table games, 3,500 slot machines, and 24 poker tables. Garages and surface parking lots will provide parking for approximately 4,800 cars.

EPA is concerned that the DEA does not attempt to provide a regional transportation analysis to determine if there will be any cumulative impact to traffic on the Route 17 corridor. As portions of Route 17 already experience severe delays during peak hours, an assessment of the traffic to be generated by the Monticello Raceway Casino, and the proposed Stockbridge-Munsee Casino to be located in Thomson, NY should be prepared. This assessment should be similar to the regional traffic analysis prepared by Creighton and Manning Engineering (Last Revised April 29, 2004) for the Mohawk Mountain Casino Resort final environmental impact statement. EPA recommends that NYSDOT and the NY Thruway Authority be consulted for this effort.

The Final Environmental Assessment (FEA) should also provide clarification as to the environmental regulatory authorities and roles were the property to be taken into trust by BIA. With respect to the implementation of environmental programs under Federal laws and regulations, primary enforcement authority rests with EPA unless and until such programs are authorized or delegated to a State or Indian Nation. As New York State would not have regulatory control on trust lands, it would follow that EPA would have primary enforcement authority on such lands until a given environmental program may be authorized or delegated to the St. Regis Mohawk. If this conforms to your view, we strongly recommend that it be stated explicitly in the FEA. Coordination among the

governmental parties would be essential to ensure the effective protection of public health and the environment on lands taken into trust.

Finally, we applaud the intent of the St. Regis Mohawk to utilize energy and water efficient designs and operating features in the proposed casino. We also recommend that the tribe use indigenous plant species in the landscaping around the building and parking areas. Please see the EPA's Green Landscaping website at <http://www.epa.gov/greenacres/> for more information.

Thank you for giving EPA the opportunity to comment on the DEA. Should you have any questions about our comments, please call Lingard Knutson of my staff, at 212-637-3747.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Grace Musumeci". The signature is fluid and cursive, with a long horizontal stroke at the end.

Grace Musumeci, Chief
Environmental Review Section
Strategic Planning Multi-Media Programs Branch